

From hazelnuts to walnuts, chestnuts to peanuts, Washington producers sell nuts and nut products at farmers markets, farm stands, and direct to grocery stores. Selling whole nuts in the shell is a relatively easy enterprise to begin and does not require special licensing, though some farms may be subject to the Food Safety Modernization Act (FSMA) Produce Safety Rule. Selling shelled nuts, making nut butters, nut flour, nut milk, nut oil, and other nut products requires a WSDA Food Processor License and Facility.

This fact sheet includes information on:

- Selling whole nuts in the shell.
- Selling shelled nuts and nut products.
- Local health jurisdiction requirements.

Selling Whole Nuts in the Shell

Any nut that is completely covered in the whole shell can be sold without a license, though some farms growing nuts may need to comply with the FSMA Produce Safety Rule. Whole in-the-shell chestnuts, walnuts, and hazelnuts are often seen on produce displays and make a good winter seasonal display at farmers markets, too. Selling whole nuts with roasting instructions and recipes, or nutcrackers or other accessories, are marketing strategies that may increase sales. If the shell is cracked or broken in any way, the nut may not be sold unless it has been processed in a WSDA-licensed Food Processing Facility.

FSMA Produce Safety Rule

Nuts are considered “produce” by the FSMA Produce Safety Rule. The FSMA Produce Safety Rule does not apply to hazelnuts, peanuts, or pecans. Depending on the scale of business and type of customers, farms that grow and sell nuts other than hazelnuts, peanuts, and pecans may have requirements for on-farm produce safety. Please see the “FAQs on the Food Safety Modernization Act” fact sheet for information about that new regulation for produce growers to determine if any of the requirements apply to your farm business.

Selling Shelled Nuts and Nut Products

Processors making nut products in their own facility need a WSDA Food Processor License. Contact the WSDA Food Safety Program to discuss plans. For facilities that process peanuts or tree nuts, there are requirements for allergen labelling. There are also operational considerations related to reducing potential cross contamination risks. The WSDA Food Safety Program can help ensure that businesses are in full compliance with the food safety regulations for processing and labeling, **particularly allergen labeling.**

Unlike raw almonds that require pasteurization due to USDA and FDA rules, the varieties of nuts grown in Washington (i.e. hazelnuts, walnuts, chestnuts, and peanuts) do not require pasteurization to sell raw, shelled nuts.

Existing WSDA-licensed Food Processors may add “nuts” or a specific nut product to the list of products processed on the facility’s license. Please contact the WSDA food safety inspector before making any changes to a processing facility or starting to process nuts.

The WSDA Food Safety Program is available for one-on-one technical assistance with the licensing process, including creating a processing facility design and advising on construction materials, equipment, cooling procedures, water source, and food safety techniques to prevent cross-contamination of products. The WSDA Food Processor License application packet is available on the WSDA website, agr.wa.gov, by searching for “Food Processor License Application,” by calling 360-902-1876, or by emailing foodsafety@agr.wa.gov.

Please see the “WSDA Food Processor License and Facilities” fact sheet for specific details about the license and facility requirements.

Co-packing nuts with a WSDA Food Processor License

Businesses with a WSDA-licensed Food Processing Facility can process nuts for other producers. The food industry term for this is “co-packer.” The co-packer carries insurance, and usually charges per unit. Labeling on these products must include the words: “*Manufactured for...*” or “*Distributed by...*” to designate the firm’s relationship to the product.

Local Health Jurisdiction Requirements

Farms that sell nuts or nut products directly to the public in a retail setting such as a farmers market or farm stand must also follow food safety rules established by the local health jurisdiction (usually a county health department or health district) where they plan to sell. In the State Retail Food Code, tree nuts are categorized as a “major food allergen.” Please contact the appropriate agency for additional information. A statewide list of local health jurisdiction offices is available on the Washington Department of Health website, doh.wa.gov, by searching for “local health jurisdiction.”

Roasting nuts on site for “ready-to-eat” sales

Producers direct marketing nuts that are roasted on site at farmers markets, farm stands, or other events and sold “ready-to-eat” are exempt from the Retail Food Establishment License. However, businesses must apply for the exemption through the local health jurisdiction where the sales will take place.

Sampling requirements

In some counties a permit is needed to give customers nut samples and there are penalties and fines for non-compliance. Depending on the county, farms that want to sample their products may be required to:

- Have a **Food Worker’s Card** for the person offering and/or slicing samples.
- Have a hand-washing station at the farm stand or farmers market booth.
- Fulfill additional requirements pertaining to containers, protecting samples from contamination, washing samples, and other preparation, and refrigeration.



23. WSDA Food Processor License and Facilities

25. Food Product Recalls

26. FAQ on the Food Safety Modernization Act

48. Selling Ready-to-Eat Foods